

EXHIBIT 5

In The Matter Of:

***RALPH VARGAS and BLAND-RICKY ROBERTS v.
PFIZER, INC.,***

BLAND-RICKY ROBERTS
August 2, 2006

CONTAINS CONFIDENTIAL PORTIONS
LEGALINK MANHATTAN
420 Lexington Avenue - Suite 2108
New York, NY 10170
PH: 212-557-7400 / FAX: 212-692-9171

ROBERTS, BLAND-RICKY - Vol. I



UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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RALPH VARGAS and BLAND-RICKY ROBERTS,

Plaintiffs,
Civil Action
No.
-against- 04CV 9772 (JCF)

PFIZER, INC., PUBLICIS, INC.,
FLUID MUSIC, EAST WEST
COMMUNICATIONS, INC. and
BRIAN TRANSEAU p/k/a "BT",

Defendants

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CONTAINS CONFIDENTIAL
ATTORNEYS' EYES ONLY PORTIONS
August 2, 2006
9:40 a.m.

Videotaped Deposition of
BLAND-RICKY ROBERTS, taken by Defendants,
pursuant to Notice, at the offices of Kirkland
& Ellis, 153 East 53rd Street, New York, New
York, before TAMMEY M. PASTOR, a Registered
Professional Reporter, Certified LiveNote
Reporter and Notary Public within and for the
State of New York.

1 APPEARANCES:
 2 LAW OFFICES OF PAUL A. CHIN
 3 Attorneys for Plaintiffs
 4 The Woolworth Building
 5 233 Broadway
 6 New York, New York 10007
 7 BY: PAUL A. CHIN, ESQ.

8 KIRKLAND & ELLIS
 9 Attorneys for Defendant Brian Transeau
 10 153 East 53rd Street
 11 New York, New York 10022

12 BY: JULIE AHRENS, ESQ.

13 -and-

14 DAVID S. OLSON, ESQ.
 15 STANFORD LAW SCHOOL
 16 Crown Quadrangle
 17 559 Nathan Abbott Way
 18 Stanford, California 94305-8610

19 (Via Telephone)

20 ALSO PRESENT:
 21 MATTHEW CHAVEZ, Legalink Action Video

08:33:57 22
 23
 24
 25

09:41:31 1 BLAND-RICKY ROBERTS
 09:41:33 2 the attorney for Ralph Vargas and Bland-Ricky
 09:41:37 3 Roberts, plaintiffs in this case.
 09:41:39 4 VIDEOGRAPHER: The court
 09:41:39 5 reporter today is Tammy Pastor of Legalink.
 09:41:39 6 BLAND-RICKY ROBERTS
 09:47:24 7 residing at 509 Lake Of the Pines, East
 09:47:28 8 Stroudsburg, Pennsylvania 18302, having been
 09:47:28 9 first duly sworn by the Notary Public (Tammy
 09:47:28 10 M. Pastor), was examined and testified as
 09:41:51 11 follows:
 09:41:51 12 EXAMINATION CONDUCTED BY MS. AHRENS
 09:41:54 13 Q. Good morning, Mr. Roberts.
 09:41:55 14 A. Good morning.
 09:41:56 15 Q. As you heard, my name is Julie
 09:41:58 16 Ahrens. We are here today to take your
 09:42:00 17 deposition in the case of Vargas versus
 09:42:03 18 Pfizer. Are you aware of that?
 09:42:04 19 A. Yes, ma'am.
 09:42:05 20 Q. Could you just state your name
 09:42:06 21 for the record, please.
 09:42:13 22 A. Bland-Ricky.
 09:42:13 23 Q. Could you spell that?
 09:42:14 24 A. Bland-Ricky Roberts.
 09:42:20 25 Q. Mr. Roberts, have you ever been

1 BLAND-RICKY ROBERTS
 2 VIDEOGRAPHER: Here begins
 3 videotape number 1 in the deposition of Ricky
 4 Roberts in the matter of Ralph Vargas, and
 5 Bland-Ricky Roberts versus Pfizer, Inc., et
 6 al. in the United States District Court
 7 Southern District of New York case number 04
 8 CV 9772 WHP.
 9 Today's date is August 2, 2006.
 10 The time on the video monitor is 9:40 a.m. The
 11 video operator today is Matthew Chavez, a
 12 notary public contracted by Legalink Video
 13 Solutions, San Francisco, California.
 14 This video deposition is taking
 15 place at Kirkland & Ellis, 153 East 53rd
 16 Street.
 17 Counsel, please voice identify
 18 yourself and state whom you represent.
 19 MS. AHRENS: Good morning.
 20 Julie Ahrens with Kirkland & Ellis. I
 21 represent the defendant Brian Transeau.
 22 Joining us by telephone is David Olson of
 23 Stanford Law School. He is also an attorney
 24 for the defendant Brian Transeau.
 25 MR. CHIN: And Paul Chin, I am

09:42:20 1 BLAND-RICKY ROBERTS
 09:42:21 2 deposed before?
 09:42:22 3 A. Yes.
 09:42:24 4 Q. So you may know some of the
 09:42:25 5 general rules, but I will go over them again.
 09:42:29 6 It is important that you hear each question
 09:42:32 7 that I ask if you. If for some reason you
 09:42:35 8 don't hear a question I am happy to repeat it,
 09:42:38 9 just let me know, I will repeat the question
 09:42:40 10 or you can ask the court reporter to read it
 09:42:42 11 back.
 09:42:42 12 Will you tell me if you do not
 09:42:44 13 hear a question?
 09:42:45 14 A. Yes, I will.
 09:42:48 15 Q. It is also important you
 09:42:49 16 understand each question. If for any reason
 09:42:50 17 you don't understand what I am asking you,
 09:42:53 18 just please ask me to rephrase it or let me
 09:42:55 19 know that you don't understand and I'll do my
 09:42:58 20 best to make it more clear. Will you tell me
 09:43:00 21 if you don't understand a question?
 09:43:02 22 A. Yes, I will.
 09:43:06 23 Q. Will you let me know if you
 09:43:07 24 need to look at a document in order to answer
 09:43:09 25 any of my questions?

2 (Pages 2 to 5)

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12:02:35 1 BLAND-RICKY ROBERTS
 12:02:39 2 A. Yes.
 12:02:56 3 Q. How many copies of Funky
 12:02:59 4 Drummer I were sold?
 12:03:01 5 A. About 3,000, 3,500, somewhere
 12:03:04 6 in there.
 12:03:17 7 Q. How long was Funky Drummer I
 12:03:18 8 offered for sale?
 12:03:22 9 A. Not very long. That's why
 12:03:23 10 there was a Funky Drummer II.
 12:03:25 11 Q. Okay.
 12:03:26 12 A. Because that particular record
 12:03:31 13 was a grass roots effort between Ralph and
 12:03:36 14 myself. More so myself than Ralph where, you
 12:03:38 15 know, I gave X amount of pieces to Indi. I
 12:03:43 16 gave X amount of pieces to various, what would
 12:03:47 17 be independent record stores where I was kind
 12:03:49 18 of selling it out of the trunk of the car, if
 12:03:52 19 you would.
 12:03:52 20 Q. Right.
 12:03:59 21 A. Within a week's time those
 12:04:00 22 units that I had, you know, given to those
 12:04:06 23 independent stores had sold. I mean this
 12:04:09 24 thing flew off the shelves. They were
 12:04:11 25 specialty record stores because you would have

12:05:23 1 BLAND-RICKY ROBERTS
 12:05:30 2 Q. Was Funky Drummer II ever
 12:05:31 3 released on any other media other than vinyl?
 12:05:34 4 A. No.
 12:05:37 5 Q. Never on compact disk?
 12:05:39 6 A. No.
 12:05:40 7 Q. Never on cassette tape?
 12:05:41 8 A. No.
 12:05:44 9 Q. Who pressed the vinyl for Funky
 12:05:46 10 Drummer I?
 12:05:51 11 A. That is a good question. I
 12:05:52 12 don't remember whether I used Metropolitan,
 12:05:59 13 whether I used a pressing plant in Brooklyn,
 12:06:02 14 the name slips me right now. That really
 12:06:08 15 escapes me. I don't remember that name or if
 12:06:10 16 I used the Florida Records. I don't remember
 12:06:19 17 who I used for that. I don't remember who I
 12:06:24 18 used for I or II to be honest with you.
 12:06:27 19 Q. So for Funky Drummer I it could
 12:06:33 20 have been Metropolitan you said?
 12:06:35 21 A. Uh-huh.
 12:06:36 22 Q. Another place in Brooklyn.
 12:06:37 23 A. Yes. I don't remember that
 12:06:38 24 name, though.
 12:06:39 25 Q. And another place in Florida?

12:04:11 1 BLAND-RICKY ROBERTS
 12:04:13 2 the production guys go there and the rappers
 12:04:16 3 would go there. People who were into like
 12:04:22 4 record production, artists, you know, we had
 12:04:27 5 people like D'Angelo bought it. Major guys at
 12:04:31 6 the time bought that record.
 12:04:48 7 Q. What format was Funky Drummer I
 12:04:49 8 sold in?
 12:04:56 9 A. Both albums, strictly vinyl.
 12:04:57 10 Q. At any point when I am asking
 12:04:58 11 questions about Funky Drummer I and II and
 12:05:01 12 your answer applies to both, if you can answer
 12:05:03 13 it that way, that's fine. I am going to ask
 12:05:05 14 it individually so it is not a compound
 12:05:07 15 question.
 12:05:07 16 A. Okay.
 12:05:08 17 Q. But if you answer, that's fine
 12:05:09 18 we can save time that way if it is the same.
 12:05:11 19 A. Okay.
 12:05:12 20 Q. So Funky Drummer I and II were
 12:05:14 21 both on vinyl?
 12:05:15 22 A. Uh-huh.
 12:05:18 23 Q. Was Funky Drummer I ever
 12:05:20 24 released on any other media?
 12:05:23 25 A. We didn't release on any other.

12:06:39 1 BLAND-RICKY ROBERTS
 12:06:40 2 A. Florida Press. I think it was
 12:06:47 3 called Florida Press I think it was called.
 12:06:51 4 Q. Was Funky Drummer II pressed by
 12:06:53 5 the same company that pressed Funky Drummer I?
 12:06:58 6 A. Not necessarily. But I don't
 12:06:59 7 remember right now.
 12:07:02 8 Q. Okay. Were there any other
 12:07:06 9 companies who could have pressed Funky Drummer
 12:07:08 10 II?
 12:07:10 11 A. No.
 12:07:12 12 Q. Mr. Vargas had mentioned that
 12:07:13 13 he thought it was pressed in Brooklyn. Does
 12:07:15 14 that refresh your recollection?
 12:07:18 15 MR. CHIN: Objection.
 12:07:19 16 A. Well, I said Brooklyn but I
 12:07:20 17 don't remember the name of the company. I
 12:07:22 18 don't remember.
 12:07:28 19 Q. Do you know if that company is
 12:07:29 20 still in business?
 12:07:29 21 A. No, I don't.
 12:07:35 22 Q. How many copies of Funky
 12:07:36 23 Drummer I were pressed at first?
 12:07:43 24 A. At first?
 12:07:43 25 Q. Yes.

		Page 30			Page 32
10:19:04 1	BLAND-RICKY ROBERTS		10:21:53 1	BLAND-RICKY ROBERTS	
10:19:09 2	A. Song, sound source, it is a		10:21:54 2	time we are just basically recording artists	
10:19:11 3	source.		10:21:58 3	to put into the marketplace.	
10:19:11 4	Q. Right.		10:22:04 4	Q. What type of artists?	
10:19:12 5	A. Once you obtain the source you		10:22:07 5	A. Type of music?	
10:19:13 6	then go to copy the source. You can't sample		10:22:08 6	Q. Sure. Yes.	
10:19:16 7	without having the source.		10:22:10 7	A. Right now it is predominantly	
10:19:17 8	Q. Okay. Great. Have you ever		10:22:13 8	urban.	
10:19:27 9	used sampling to create music?		10:22:14 9	Q. What do you mean by urban?	
10:19:31 10	A. No.		10:22:17 10	A. Hip-hop, R&B.	
10:19:42 11	Q. Do you currently record music?		10:22:25 11	Q. Are these recording artists	
10:19:49 12	A. Okay, do I currently record		10:22:28 12	making original music?	
10:19:50 13	music? Me personally or do I still have		10:22:30 13	A. Yes.	
10:19:53 14	artists that I'm recording?		10:22:43 14	Q. Do you have any other, any	
10:19:56 15	Q. We'll take it one at a time.		10:22:47 15	interest in any other companies currently?	
10:19:58 16	Do you personally record music?		10:22:55 16	A. No.	
10:20:02 17	A. No.		10:22:56 17	Q. No ownership interest in any	
10:20:05 18	Q. Do you have artists that you		10:22:57 18	other companies?	
10:20:07 19	record?		10:23:01 19	A. No.	
10:20:09 20	A. I have artists that I've paid		10:23:02 20	Q. Any investment interests in	
10:20:11 21	for their recordings, but I am not personally		10:23:03 21	other companies?	
10:20:14 22	not the person doing the recordings.		10:23:06 22	A. No.	
10:20:16 23	Q. So your involvement with		10:23:13 23	Q. Have any of the artists that	
10:20:17 24	artists recording is more of a financial		10:23:14 24	you currently work with sampled music?	
10:20:23 25	backing of the recording?		10:23:19 25	A. No.	
		Page 31			Page 33
10:20:23 1	BLAND-RICKY ROBERTS		10:23:19 1	BLAND-RICKY ROBERTS	
10:20:26 2	MR. CHIN: Objection. You can		10:23:32 2	Q. What is your role in the	
10:20:26 3	answer.		10:23:34 3	entertainment company that you own?	
10:20:28 4	A. It is more than financial		10:23:38 4	A. I run it.	
10:20:29 5	backing. It is financial backing as well as		10:23:39 5	Q. What do you mean by running it?	
10:20:33 6	there are artists that would be signed to me		10:23:43 6	A. It is my responsibility to take	
10:20:35 7	for either the purpose of production, to put		10:23:45 7	care of the day-to-day chores.	
10:20:38 8	the record out as a record company, or for		10:23:51 8	Q. What are the day-to-day chores	
10:20:42 9	management.		10:23:59 9	that you are responsible for?	
10:20:42 10	Q. Okay. So what is your current		10:23:59 10	A. Answering phones, paying the	
10:20:52 11	involvement with artists who are making music?		10:24:08 11	bills, talking with those artists that I've	
10:20:59 12	MR. CHIN: Objection. You can		10:24:13 12	contracted in reference to their song	
10:21:00 13	answer.		10:24:18 13	creations and mentor them. Whatever other	
10:21:02 14	A. From a, strictly from a record		10:24:29 14	function is necessary to make this company run	
10:21:06 15	company end.		10:24:32 15	on a daily basis.	
10:21:21 16	Q. Are you finished?		10:24:35 16	Q. Okay. What is the name of your	
10:21:22 17	A. Yes.		10:24:36 17	Company?	
10:21:23 18	Q. Do you currently own a record		10:24:37 18	A. New Image Group.	
10:21:25 19	company?		10:24:44 19	Q. How long has it been operating?	
10:21:34 20	A. I own an entertainment company		10:24:49 20	A. About two and a half years.	
10:21:35 21	that has a record component that is in the		10:24:57 21	Q. Is it in Stroudsburg,	
10:21:38 22	works being developed at this point.		10:25:00 22	Pennsylvania?	
10:21:47 23	Q. Can you tell me about your		10:25:01 23	A. Currently.	
10:21:49 24	entertainment company, what does it do?		10:25:09 24	Q. So, other than recording	
10:21:53 25	A. At this particular point in		10:25:15 25	artists, what other, if anything, is New Image	

9 (Pages 30 to 33)

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10:59:05 1 BLAND-RICKY ROBERTS
 10:59:10 2 distributed in the same manner as which one of
 10:59:14 3 those major distributors would be
 10:59:16 4 distributing.
 10:59:18 5 Q. Okay. So Indi Distribution
 10:59:20 6 worked to have under its umbrella independent
 10:59:26 7 record labels together as a collective --
 10:59:30 8 A. You can call it a collective.
 10:59:32 9 I wouldn't call it a collective. Although it
 10:59:34 10 is a collective. I would call it independent
 10:59:38 11 labels distributing through that one source.
 10:59:41 12 Q. Okay. Then Indi Distribution
 10:59:50 13 what was their role?
 10:59:54 14 A. Indi Distribution consisted of
 10:59:56 15 CRD which is California Record Distributors,
 10:59:59 16 Big State, and Malvern. Okay. All of those
 11:00:05 17 were independent distributors which joined
 11:00:08 18 forces because they were all distributing in a
 11:00:12 19 particular territory.
 11:00:13 20 Q. Okay?
 11:00:14 21 A. So, upon the joining of those
 11:00:17 22 companies it created a national distribution
 11:00:22 23 source. As well as international.
 11:00:37 24 Q. Okay. So Indi Distribution
 11:00:39 25 worked with those, with the California, Big

11:01:44 1 BLAND-RICKY ROBERTS
 11:01:46 2 then I had a non-exclusive agreement for them
 11:01:48 3 to distribute our product.
 11:01:53 4 Q. When you say exclusive, that
 11:01:55 5 means they were the only distributor?
 11:01:57 6 A. The only distributor.
 11:01:58 7 Q. When was the agreement with
 11:01:59 8 them exclusive?
 11:02:01 9 A. In the beginning, early on.
 11:02:03 10 Q. For how long?
 11:02:04 11 A. I think it is a three-year
 11:02:05 12 deal.
 11:02:10 13 Q. So we are talking like late
 11:02:11 14 80s, early 90s you had an exclusive?
 11:02:16 15 A. Right.
 11:02:17 16 Q. Through Indi Distribution?
 11:02:19 17 A. Right.
 11:02:19 18 Q. Then you went to non-exclusive
 11:02:22 19 agreement; right?
 11:02:23 20 A. Correct.
 11:02:27 21 Q. Speaking generally about your
 11:02:29 22 agreements with Indi Distribution, how did
 11:02:31 23 those agreements work; did Indi Distribution
 11:02:40 24 buy the Records from the label?
 11:02:41 25 A. Yes, they did.

11:00:39 1 BLAND-RICKY ROBERTS
 11:00:42 2 State --
 11:00:43 3 A. Indi consisted of.
 11:00:44 4 Q. Consisted of. Okay.
 11:00:47 5 A. Uh-huh.
 11:00:48 6 Q. That distribution --
 11:00:51 7 A. Call it a network, make it
 11:00:53 8 easy.
 11:00:53 9 Q. Network. Then they distribute
 11:00:55 10 the Records to individual stores, to
 11:00:58 11 retailers?
 11:00:58 12 A. To retail, yes.
 11:01:01 13 Q. What was the international
 11:01:03 14 components of Indi Distribution?
 11:01:08 15 A. I don't know which one of the
 11:01:09 16 companies was the actual, was the actual
 11:01:13 17 international source. I would tend to believe
 11:01:17 18 that all of them had international
 11:01:19 19 connections.
 11:01:21 20 Q. Okay. Okay. So for JBR, JBR
 11:01:37 21 had an agreement with Indi Distribution; correct?
 11:01:39 22 A. Yes.
 11:01:39 23 Q. What was that agreement?
 11:01:44 25 A. I had an exclusive at one point

11:02:41 1 BLAND-RICKY ROBERTS
 11:02:47 2 Q. Was there an agreement for a
 11:02:52 3 return to the label of copies of albums that
 11:02:55 4 didn't sell, for example?
 11:02:56 5 A. Yes, there were --
 11:02:58 6 MR. CHIN: Objection. You can
 11:03:00 7 answer.
 11:03:00 8 A. Yes, there was.
 11:03:05 9 Q. Describe how that worked.
 11:03:10 10 A. The return policy?
 11:03:11 11 Q. Yes.
 11:03:11 12 A. The return policy basically
 11:03:13 13 worked, you gave X amount of Records to a
 11:03:20 14 particular retailer through your distribution
 11:03:23 15 source. If that retailer didn't sell those
 11:03:27 16 Records in a time frame, whatever that might
 11:03:32 17 be, they had the right to return the product
 11:03:37 18 to the distribution house, who in turn will
 11:03:41 19 return the product to me.
 11:03:57 20 Q. Okay. So, with the
 11:04:05 21 distribution through Indi, did you receive
 11:04:17 22 invoices that indicated how many albums they
 11:04:20 23 were buying from the record labels from you?
 11:04:24 24 A. Yes.
 11:04:25 25 Q. Then would you receive invoices

10:53:30 1 BLAND-RICKY ROBERTS
 10:53:33 2 MR. CHIN: No. They are going
 10:53:34 3 to quote you.
 10:53:35 4 A. Then don't quote me. Then I
 10:53:37 5 don't know would be the best answer.
 10:53:40 6 Q. Okay.
 10:53:41 7 A. But Ray, Goodman & Brown did a
 10:53:47 8 substantial number.
 10:53:48 9 Q. More than 20,000?
 10:53:50 10 A. Did a substantial number.
 10:54:01 11 Q. When were those, like the Ray,
 10:54:03 12 Goodman & Brown album, when was that released?
 10:54:07 13 A. As I told you earlier, I am bad
 10:54:09 14 with dates, I couldn't give you an exact date.
 10:54:12 15 Q. Was it toward the beginning of
 10:54:14 16 when the label went into operation?
 10:54:16 17 A. In the middle.
 10:54:17 18 Q. Okay. In the middle, so early
 10:54:19 19 90s?
 10:54:20 20 A. Yes.
 10:54:20 21 Q. What about Kevin Owens?
 10:54:23 22 A. Early 90s.
 10:54:26 23 Q. Early 90s, okay.
 10:54:36 24 Where were, we'll take Ray,
 10:54:39 25 Goodman & Brown, where were those albums sold?

10:56:23 1 BLAND-RICKY ROBERTS
 10:56:26 2 one place and pick up the major label records
 10:56:31 3 as well as the independent label records. So,
 10:56:33 4 thus, calling it a one stop.
 10:56:37 5 And those one stops usually
 10:56:40 6 worked within the chain of distributors that
 10:56:45 7 helped to get a record into a marketplace.
 10:57:02 8 Q. Okay. But you described Indi
 10:57:05 9 Distribution as something separate than a one
 10:57:08 10 stop, it was not a one stop distributor;
 10:57:11 11 correct?
 10:57:11 12 A. Indi distributed a series of
 10:57:16 13 independent companies and got their records
 10:57:20 14 into the marketplace as would that of any
 10:57:23 15 major record companies' distributor get their
 10:57:28 16 records into the marketplace.
 10:57:29 17 Q. Okay. Can we just talk
 10:57:31 18 generally about how records are distributed
 10:57:34 19 through say --
 10:57:36 20 A. I charge for giving an
 10:57:37 21 education.
 10:57:38 22 Q. -- for the major labels, they
 10:57:40 23 work with distributors, they may work with one
 10:57:43 24 distributor; is that what you're saying?
 10:57:45 25 A. A major label -- okay, I will

10:54:39 1 BLAND-RICKY ROBERTS
 10:54:45 2 A. Nationwide as well as
 10:54:46 3 internationally.
 10:54:51 4 Q. What about Kevin Owens?
 10:54:53 5 A. Same.
 10:54:56 6 Q. Did you have -- what about you
 10:55:01 7 said I think Al McDowell had an album.
 10:55:05 8 A. Uh-huh.
 10:55:06 9 Q. Where was that sold?
 10:55:07 10 A. Internationally.
 10:55:13 11 Q. So to sell the albums
 10:55:15 12 internationally who did JBR Records work with?
 10:55:22 13 A. We had a distribution agreement
 10:55:24 14 with Indi. I-N-D-I distribution. They were a
 10:55:33 15 nationally distributing distributor.
 10:55:42 16 We also use other various one
 10:55:45 17 stop distributors which also shipped
 10:55:49 18 internationally. So that is pretty much how
 10:55:57 19 we got our records out.
 10:55:58 20 Q. Okay. When you say a one stop
 10:56:00 21 distributor, what do you mean?
 10:56:02 22 A. A one stop is similar to a
 10:56:16 23 distributor, but the reason it is called a one
 10:56:18 24 stop is because as a, I would say an
 10:56:23 25 independent retail source, you can go to that

10:57:45 1 BLAND-RICKY ROBERTS
 10:57:47 2 show you. I will give you this. A major
 10:57:50 3 label has its own distribution group. Let's
 10:57:53 4 go with Warner Bros. Records.
 10:57:57 5 Q. Right.
 10:57:58 6 A. Warner Bros. Records is the WEA
 10:58:01 7 group. W-E-A. Warner Electra Atlantic. That
 10:58:05 8 is the group of labels that distributes
 10:58:07 9 through that WEA. I mean in addition to that
 10:58:10 10 you have Electra Asylum, you have Asylum. You
 10:58:22 11 have all the various labels that would be
 10:58:22 12 labels under that umbrella.
 10:58:22 13 Q. Right.
 10:58:22 14 A. They all distribute through
 10:58:24 15 that particular pipeline. Okay. Let's go to
 10:58:28 16 Universal. Who happens to be the biggest
 10:58:31 17 currently. Universal has Motown, Universal,
 10:58:36 18 they have A&M. They have Ianscope which is
 10:58:44 19 the biggest label at Universal which is the
 10:58:48 20 biggest label thus in the scope of things for
 10:58:52 21 urban music.
 10:58:54 22 So all of them distribute
 10:58:56 23 through the uni distribution group.
 10:59:02 24 Now let's go back to Indi.
 10:59:05 25 Indi had all the independent labels which they

11:04:25 1 BLAND-RICKY ROBERTS
 11:04:27 2 that reflected how many albums were sold to
 11:04:33 3 stores?
 11:04:37 4 A. It would be the equivalent of
 11:04:39 5 my royalty printout, as you spoke of earlier.
 11:04:44 6 Q. So Indi Distribution would send
 11:04:46 7 JBR royalty statements?
 11:04:48 8 A. Pretty much. Because they paid
 11:04:49 9 me, less their distribution fee.
 11:04:53 10 Q. Okay. When you said that it
 11:05:00 11 involved an agreement that if an album didn't
 11:05:02 12 sell in a particular time frame, then they
 11:05:06 13 would, they had the right to return it, the
 11:05:09 14 store had the right to return it to Indi
 11:05:12 15 Distribution; what were the typical time
 11:05:18 16 frames for those sales?
 11:05:20 17 A. Nothing was typical.
 11:05:22 18 Q. Okay. Were there any, I mean
 11:05:27 19 that you remember, any time frame; would it be
 11:05:30 20 like six months?
 11:05:31 21 A. No. I would say it is longer
 11:05:32 22 than that.
 11:05:33 23 Q. Would it be a year?
 11:05:36 24 A. Nine months to a year.
 11:05:38 25 Q. Nine months to a year. Okay.

11:07:09 1 BLAND-RICKY ROBERTS
 11:07:16 2 was that album for sale to account for the
 11:07:19 3 20,000 or more albums that sold?
 11:07:22 4 A. Over a year.
 11:07:24 5 Q. Was it less than two years?
 11:07:26 6 A. Yes. Let me say this, I
 11:07:31 7 stopped manufacturing at that point. But
 11:07:33 8 there is demand for that record today.
 11:07:35 9 Q. When did you stop
 11:07:36 10 manufacturing?
 11:07:42 11 A. I don't know the exact date.
 11:07:44 12 Q. Can you --
 11:07:46 13 A. No.
 11:07:47 14 Q. -- any best estimate, that
 11:07:48 15 doesn't mean a guess, that means was it
 11:07:50 16 before -- did you stop manufacturing before
 11:07:53 17 JBR went out of business?
 11:07:55 18 A. Yes.
 11:07:56 19 Q. A year before?
 11:07:58 20 A. No. About seven months before
 11:08:03 21 I stopped with the Ray, Goodman & Brown, seven
 11:08:07 22 or eight months before.
 11:08:08 23 Q. Why would you stop
 11:08:09 24 manufacturing an album?
 11:08:13 25 A. Well, in that case I ran out of

11:05:38 1 BLAND-RICKY ROBERTS
 11:05:49 2 In your experience of selling albums through
 11:05:53 3 JBR Records, how long after an album was
 11:05:57 4 released would you expect sales of the album
 11:06:07 5 to continue?
 11:06:09 6 A. Depends on how hot the music
 11:06:10 7 was and how it was received by the public.
 11:06:16 8 Q. Okay. In your experience if an
 11:06:22 9 album was released -- sorry, let's step back.
 11:06:29 10 So, for example, the Kevin
 11:06:31 11 Owens album you said sold you're not sure how
 11:06:36 12 many, but it sold more than 10,000 was that --
 11:06:40 13 MR. CHIN: Wait. Let her ask
 11:06:41 14 the question.
 11:06:41 15 Q. -- were those sales accounted
 11:06:45 16 for in a particular time frame?
 11:06:48 17 MR. CHIN: Objection. You can
 11:06:49 18 answer.
 11:06:49 19 A. Yes.
 11:06:50 20 Q. What was that time frame?
 11:06:52 21 A. Kevin Owens, I think was for
 11:06:54 22 about a year and, I would say about a year and
 11:07:01 23 a half.
 11:07:07 24 Q. So what about for the other one
 11:07:09 25 we talked about Ray, Goodman & Brown, how long

11:08:13 1 BLAND-RICKY ROBERTS
 11:08:16 2 promotion money.
 11:08:34 3 Q. Did Indi Distribution sell to
 11:08:39 4 independent record stores?
 11:08:42 5 A. Yes.
 11:08:43 6 Q. Did Indi Distribution sell to
 11:08:47 7 major retail outlets, for example, Tower
 11:08:51 8 Records?
 11:08:52 9 A. Yes.
 11:08:53 10 Q. So Indi Distribution, the word
 11:08:55 11 Indi there means, is referring to the
 11:08:58 12 independent record labels, not necessarily the
 11:09:04 13 independent stores; right?
 11:09:04 14 MR. CHIN: Objection.
 11:09:11 15 A. I don't know the answer. That,
 11:09:13 16 I don't know.
 11:09:17 17 Q. But Indi Distribution, do you
 11:09:20 18 know if it distributed major label albums?
 11:09:24 19 A. No, it did not.
 11:09:35 20 Q. What types of media were the
 11:09:38 21 albums that JBR Records released, what forms
 11:09:42 22 were they released on; vinyl?
 11:09:44 23 A. Vinyl.
 11:09:48 24 Q. Anything else?
 11:09:49 25 A. Cassette, CD.

13:44:14 1 BLAND-RICKY ROBERTS
 13:44:21 2 Q. So if we are going off of the
 13:44:24 3 approximate date of February 1994 when Funky
 13:44:32 4 Drummer Volume II was released, you stopped
 13:44:39 5 selling it shortly thereafter?
 13:44:43 6 A. March --
 13:44:45 7 MR. CHIN: Wait until she
 13:44:46 8 finishes.
 13:44:47 9 Q. Shortly thereafter?
 13:44:49 10 MR. CHIN: Objection.
 13:44:52 11 A. March, April, thereabout.
 13:45:06 12 Q. Have you ever seen copies of
 13:45:08 13 Funky Drummer Volume II offered for sale on
 13:45:10 14 the internet?
 13:45:12 15 A. No.
 13:45:21 16 Q. I just want to talk about the
 13:45:23 17 distribution process for Funky Drummers volume
 13:45:28 18 and we talked about your distributor generally
 13:45:31 19 for JBR Records. We will focus on Funky
 13:45:34 20 Drummer I first. Again I am going to ask you
 13:45:36 21 the questions specific to each album. If you
 13:45:38 22 say that it was the same for Funky Drummer II,
 13:45:40 23 you can tell us that and it will go faster.
 13:45:44 24 I'll ask separately otherwise.
 13:45:52 25 How was Funky Drummer I

13:47:11 1 BLAND-RICKY ROBERTS
 13:47:12 2 Volume I, you said there was also more formal
 13:47:16 3 distributor channels?
 13:47:18 4 A. Indi, we used Indi, we used
 13:47:21 5 Pearl which is a one stop out of Brooklyn. We
 13:47:33 6 used Tiger. Tiger, Tiger. The name slips me
 13:47:37 7 right now. Tiger something or something Tiger
 13:47:40 8 was an international distributor out of
 13:47:43 9 Jersey, Englewood, New Jersey. And we
 13:47:47 10 distributed product to all of those sources as
 13:47:57 11 well.
 13:47:58 12 Q. Other than Indi, Pearl or Tiger
 13:48:01 13 were there any other distribution sources what
 13:48:03 14 you were calling more the formal distribution
 13:48:06 15 for Funky Drummer Volume I?
 13:48:08 16 A. There was one other one that
 13:48:09 17 was located down the block from the Limelight.
 13:48:16 18 I just can't remember the name of that one. I
 13:48:18 19 know he distributed international as well.
 13:48:20 20 Q. You are talking about the
 13:48:21 21 Limelight here in New York City on Sixth
 13:48:24 22 Avenue.
 13:48:25 23 A. Yes.
 13:48:25 24 Q. Or what used to be there. It
 13:48:27 25 is something else already.

13:45:52 1 BLAND-RICKY ROBERTS
 13:45:53 2 distributed?
 13:45:56 3 A. It was distributed, as I stated
 13:45:58 4 earlier, through the trunk of the car, as well
 13:46:03 5 as through formal distributor channels.
 13:46:05 6 Q. When you say trunk of the car,
 13:46:07 7 you're talking about the trunk of your car?
 13:46:10 8 A. That's a term used loosely. As
 13:46:17 9 you mentioned a few minutes ago. You asked me
 13:46:19 10 about Mr. Vargas delivering Records to Rock
 13:46:23 11 and Soul.
 13:46:25 12 Q. Right.
 13:46:25 13 A. That would be considered out of
 13:46:27 14 the trunk of the car as opposed to that
 13:46:30 15 distribution entity that their salesperson
 13:46:33 16 selling that record we would be selling it.
 13:46:40 17 We call that out of the trunk of the car.
 13:46:40 18 Q. That is direct --
 13:46:40 19 A. Direct sales.
 13:46:40 20 Q. -- direct sales from the label
 13:46:42 21 and the artist in this case, you said
 13:46:44 22 Mr. Vargas is not an artist. So direct sales
 13:46:48 23 from the label and the musician; right?
 13:46:53 24 A. Okay.
 13:47:11 25 Q. For the sales of Funky Drummer

13:48:27 1 BLAND-RICKY ROBERTS
 13:48:28 2 A. Right.
 13:48:28 3 Q. There was another distributor
 13:48:31 4 there, you just don't remember their name?
 13:48:33 5 A. I don't remember their name,
 13:48:34 6 the proper name.
 13:48:45 7 Q. You said you also made direct
 13:48:46 8 sales to record stores, were those record
 13:48:49 9 stores local here in New York?
 13:48:50 10 A. Yes.
 13:48:51 11 Q. What were the names of those
 13:48:52 12 stores?
 13:48:55 13 A. You had Rock and Soul. You had
 13:48:58 14 Downstairs. You had Downtown. You had
 13:49:05 15 Carmine Records. You had Vinyl-mania. Eight
 13:49:11 16 Ball Records. Eight Ball, by the way, was an
 13:49:20 17 international distributor because they had
 13:49:21 18 their own record company. So I know that they
 13:49:23 19 shipped product everywhere.
 13:49:31 20 One in the Bronx. There is a
 13:49:33 21 couple in the Bronx on Concourse, Grand
 13:49:39 22 Concourse, I can't remember. There was one on
 13:49:42 23 Fordham Road I know we went to. That's all I
 13:49:51 24 can remember.
 13:50:06 25 Q. Other than Rock and Soul,

14:47:19 1 BLAND-RICKY ROBERTS
 14:47:23 2 II to; correct?
 14:47:24 3 A. Yes.
 14:47:24 4 Q. Was it less than 300 copies?
 14:47:29 5 A. If it less than 100 it would be
 14:47:31 6 less than 300.
 14:47:32 7 Q. Sorry. I'm starting to confuse
 14:47:34 8 myself. Let's me go to Indi Distribution. In
 14:47:53 9 parentheses -- we are looking at Bates page
 14:47:56 10 17, Defendants' Exhibit 8, in parenthesis next
 14:47:59 11 to Indi Distribution it says "national." Is
 14:48:02 12 that right?
 14:48:02 13 A. Yes.
 14:48:04 14 Q. This is the distributor you
 14:48:07 15 said distributed --
 14:48:12 16 A. Pretty much all of our product.
 14:48:14 17 Q. Right. Did they distribute --
 14:48:18 18 where did Indi Distribution distribute their
 14:48:22 19 Records to?
 14:48:22 20 A. Okay, if you remember earlier I
 14:48:24 21 said to you Indi consisted of Malvern.
 14:48:27 22 Malvern covered from Boston down to the
 14:48:33 23 Carolinas into Florida, if I am not mistaken.
 14:48:40 24 Okay. Then you had Big State, Big State was
 14:48:43 25 housed out of Texas.

14:49:43 1 BLAND-RICKY ROBERTS
 14:49:45 2 but I know initial numbers, just on a normal
 14:49:49 3 record we would normally do a couple thousand.
 14:49:54 4 But being this was a specialty record, if I am
 14:49:57 5 not mistaken, we did like 500 initial. I
 14:50:01 6 don't know what the reorders were. But I do
 14:50:02 7 remember that 500 number initially.
 14:50:05 8 Q. You remember the 500 initial,
 14:50:08 9 we are speaking of Funky Drummer Volume II?
 14:50:11 10 A. Both of them was 500.
 14:50:15 11 Q. Okay. How many reorders did
 14:50:19 12 you --
 14:50:19 13 A. That is a good question.
 14:50:21 14 Q. -- did you send to Indi
 14:50:25 15 Distribution?
 14:50:25 16 A. Definitely one.
 14:50:26 17 Q. Okay.
 14:50:27 18 A. I can't tell you past that
 14:50:29 19 because I don't remember, but I do remember
 14:50:31 20 there was one and the volume they asked for,
 14:50:33 21 the numbers, the units they needed, I don't
 14:50:40 22 remember.
 14:50:40 23 Q. Do you have an estimate of the
 14:50:40 24 volume of the reorder?
 14:50:40 25 A. No. No, I don't.

14:48:43 1 BLAND-RICKY ROBERTS
 14:48:46 2 Q. Okay.
 14:48:47 3 A. They did the whole southwest,
 14:48:49 4 Texas, Louisiana, Arkansas, Mississippi,
 14:48:53 5 Kentucky, wherever else. And they had two
 14:48:58 6 places. I think their other place was in the
 14:49:06 7 Chicago area. So they would handle Chicago,
 14:49:09 8 Detroit, that whole --
 14:49:11 9 Q. Okay.
 14:49:11 10 A. Then you had CRD which was
 14:49:13 11 California Record Distributors which handled
 14:49:16 12 all of the West Coast.
 14:49:18 13 Q. So all --
 14:49:20 14 A. I'm sorry.
 14:49:21 15 Q. I'll let you finish.
 14:49:22 16 A. When they distributed a record
 14:49:24 17 it was blanketed nationally.
 14:49:26 18 Q. Did Indi Distribution we talked
 14:49:29 19 about earlier, they distributed to retail
 14:49:32 20 outlets; correct?
 14:49:33 21 A. Yes.
 14:49:36 22 Q. How many copies of Funky
 14:49:37 23 Drummer Volume II did you sell to Indi
 14:49:41 24 Distribution?
 14:49:43 25 A. I don't know the final number,

14:50:40 1 BLAND-RICKY ROBERTS
 14:50:42 2 Q. Was it as many as the initial
 14:50:44 3 500?
 14:50:45 4 A. I would tend to think so.
 14:50:46 5 Q. What makes you think that?
 14:50:49 6 A. Just basically the way they
 14:50:50 7 were telling me, you know, it's moving in
 14:50:55 8 certain types of stores, ones that cater to
 14:50:59 9 producers and rap artists, they were letting
 14:51:02 10 me know that.
 14:51:03 11 Q. Did they tell you any
 14:51:04 12 particular stores where Funky Drummer Volume
 14:51:08 13 II was moving as you said?
 14:51:09 14 A. No.
 14:51:10 15 Q. By moving you mean sales?
 14:51:11 16 A. Yes.
 14:51:14 17 Q. So they didn't give you any
 14:51:16 18 specific information about what stores sold
 14:51:21 19 Funky Drummer Volume II; is that right?
 14:51:23 20 A. Correct. Nor did I ask.
 14:51:25 21 Q. Did you have other than the
 14:51:32 22 initial order of 500 and the one reorder, did
 14:51:37 23 you have any other sales of Funky Drummer
 14:51:41 24 Volume II to Indi Distribution?
 14:51:45 25 A. I don't remember. There very

14:51:45 1 BLAND-RICKY ROBERTS
 14:51:52 2 well may have been, but I just don't remember.
 14:52:06 3 Q. If you had to get that, sorry
 14:52:06 4 -- strike that.
 14:52:14 5 Do you know where that
 14:52:17 6 information would be other than your memory?
 14:52:23 7 MR. CHIN: Objection.
 14:52:25 8 A. No.
 14:52:25 9 Q. So the 500 initial order and
 14:52:33 10 the one additional reorder that you recall,
 14:52:38 11 those numbers are based solely on your memory;
 14:52:42 12 is that right?
 14:52:42 13 MR. CHIN: Objection. You can
 14:52:44 14 answer.
 14:52:52 15 A. Yes.
 14:52:53 16 Q. Did you sell less than 1,500
 14:52:59 17 copies of Funky Drummer Volume II to Indi
 14:53:04 18 Distribution?
 14:53:04 19 MR. CHIN: Objection. You can
 14:53:05 20 answer.
 14:53:05 21 A. I don't know. I don't
 14:53:06 22 remember.
 14:53:07 23 Q. Okay. On Pearl One Stop that
 14:53:21 24 is a distributor; right?
 14:53:23 25 A. Uh-huh.

14:54:24 1 BLAND-RICKY ROBERTS
 14:54:28 2 three or four times and in a box that
 14:54:30 3 consisted of 50 Records. So I'm not sure of
 14:54:34 4 the exact number. But I know I went there
 14:54:37 5 three or four times.
 14:54:40 6 Q. When you say three or four
 14:54:41 7 times, do you mean you went there with, we're
 14:54:45 8 speaking of Funky Drummer Volume II?
 14:54:47 9 A. Correct.
 14:54:50 10 Q. So your best estimate would be
 14:54:52 11 around 200 copies to Pearl One; is that right?
 14:54:56 12 A. 150, 200.
 14:54:58 13 Q. Between 150 to 200.
 14:55:00 14 A. Uh-huh.
 14:55:01 15 Q. Okay. So less than 300?
 14:55:02 16 A. Yes.
 14:55:08 17 Q. Let's see, for Tiger
 14:55:09 18 Distribution in parentheses there, we are
 14:55:12 19 looking again at page Bates number 17, it's DX
 14:55:17 20 8, it says there that in parentheses (Int'l)
 14:55:26 21 that is international; is that right?
 14:55:28 22 A. Yes.
 14:55:30 23 Q. Tiger Distribution is a
 14:55:32 24 distributor; right?
 14:55:33 25 A. Yes, it is.

14:53:23 1 BLAND-RICKY ROBERTS
 14:53:24 2 Q. They are in Brooklyn?
 14:53:25 3 A. Yeah. They were in Brooklyn.
 14:53:27 4 Q. Are they out of business now?
 14:53:29 5 A. I believe so.
 14:53:37 6 Q. Does Pearl One Stop distribute
 14:53:40 7 to retail stores?
 14:53:41 8 A. Yes.
 14:53:41 9 Q. Where are retail stores that
 14:53:43 10 Pearl One Stop distributes to or distributed
 14:53:46 11 to?
 14:53:46 12 A. All over the country.
 14:53:48 13 Q. In every state in the U.S.?
 14:53:55 14 A. I can't answer that, I don't
 14:53:57 15 know.
 14:53:57 16 Q. Do you know what states Pearl
 14:53:59 17 One Stop distributed to?
 14:54:01 18 A. No, I don't.
 14:54:05 19 Q. Did you sell copies of Funky
 14:54:07 20 Drummer Volume II to Pearl One Stop?
 14:54:09 21 A. Yes, I did.
 14:54:11 22 Q. How many copies did you sell to
 14:54:13 23 them?
 14:54:22 24 A. I don't know the exact number,
 14:54:24 25 but I do know that I delivered Records to them

14:55:33 1 BLAND-RICKY ROBERTS
 14:55:34 2 Q. Where does Tiger Distribution
 14:55:42 3 distribute albums to?
 14:55:51 4 A. I would have to say to the
 14:55:52 5 whole country. I know for sure they did
 14:55:54 6 England, they did France, they did Germany
 14:55:57 7 because I discussed that with them. And they
 14:55:59 8 did Italy. Past that, I don't know.
 14:56:12 9 Q. Did Tiger Distribution
 14:56:15 10 distribute to retail stores; is that right?
 14:56:17 11 A. As far as I know that is where
 14:56:19 12 they sent Records.
 14:56:20 13 Q. Did they distribute Records in
 14:56:23 14 the United States?
 14:56:27 15 A. I'm not 100 percent sure, I
 14:56:29 16 don't know.
 14:56:32 17 Q. Did you sell copies of Funky
 14:56:33 18 Drummer Volume II to Tiger Distribution?
 14:56:35 19 A. Yes.
 14:56:38 20 Q. How many copies did you sell to
 14:56:39 21 them?
 14:56:44 22 A. About -- let's see, they took a
 14:56:47 23 hundred each time. I went there a few times.
 14:56:49 24 I don't know the exact number, but I know each
 14:56:52 25 time they took a hundred. So they took two

12:12:23 1	BLAND-RICKY ROBERTS	12:14:38 1	BLAND-RICKY ROBERTS
12:12:26 2	untested I would go with 1,000. But Ralph was	12:14:39 2	out of business.
12:12:30 3	so emphatic, he believed, I said, okay, we	12:14:43 3	Q. How soon before going out of
12:12:34 4	will go 1,500.	12:14:44 4	business was Funky Drummer II pressed?
12:12:38 5	Q. Just general information, when	12:14:50 5	A. I don't know.
12:12:39 6	you press a record, is there a minimum that	12:14:54 6	Q. Was it a year before?
12:12:42 7	you have to have pressed, for example, you	12:14:56 7	MR. CHIN: Objection.
12:12:45 8	couldn't go -- sorry, could you go and say I	12:14:56 8	A. I don't know.
12:12:48 9	want five copies of this, press the vinyl?	12:15:17 9	Q. Who decided how many copies of
12:12:53 10	A. I doubt if you would do that,	12:15:18 10	Funky Drummer II would be pressed?
12:12:54 11	it is too expensive.	12:15:22 11	A. I did.
12:12:55 12	Q. Was there like a minimum	12:15:23 12	Q. Was anyone else involved in
12:12:58 13	threshold number for manufacturers?	12:15:24 13	that decision?
12:13:02 14	MR. CHIN: Objection. You can	12:15:26 14	A. No. It was mostly me. I mean
12:13:02 15	answer.	12:15:29 15	Ralph, you know, being excited about it, but I
12:13:02 16	A. For the manufacturer the	12:15:33 16	made the determination.
12:13:06 17	numbers that they quote when they give you	12:15:34 17	Q. For Funky Drummer II did you
12:13:08 18	their pricing sheet start with like 100 or	12:15:36 18	receive an invoice from the manufacturer for
12:13:11 19	500. So I would say that would be your	12:15:39 19	any of the three pressings?
12:13:13 20	minimum, I would say.	12:15:44 20	MR. CHIN: Objection. You can
12:13:15 21	Q. Then the first pressing of	12:15:44 21	answer.
12:13:16 22	Funky Drummer II, you said it was 1,500	12:15:48 22	A. I would assume so.
12:13:20 23	copies; right?	12:15:49 23	Q. Okay.
12:13:20 24	A. Yes. Yes.	12:15:50 24	A. I just don't remember whether,
12:13:28 25	Q. How many pressings of Funky	12:15:52 25	you know, it was the cash and carry as I

12:13:28 1	BLAND-RICKY ROBERTS	12:15:52 1	BLAND-RICKY ROBERTS
12:13:29 2	Drummer II were made?	12:15:55 2	stated earlier or if it was a situation -- I
12:13:31 3	A. There was three because of the	12:15:57 3	would tend to believe there was a receipt
12:13:34 4	demand for the record.	12:15:59 4	because I had to get with Ralph on costs.
12:13:39 5	Q. So, how many copies of Funky	12:16:06 5	Q. Okay. What were the costs of
12:13:41 6	Drummer II were pressed?	12:16:11 6	pressing the Funky Drummer II album?
12:13:43 7	A. 4,000.	12:16:14 7	A. I don't know back then. I
12:13:45 8	Q. So there was the first one of	12:16:16 8	couldn't tell you.
12:13:46 9	1,500.	12:16:18 9	Q. Do you have a sense, was it
12:13:47 10	A. Correct.	12:16:24 10	charged per unit?
12:13:48 11	Q. Then the second pressing?	12:16:27 11	A. Yes. It was a per unit price.
12:13:49 12	A. 2,000.	12:16:31 12	Q. For 1,500 copies of the album
12:13:52 13	Q. Then the third pressing?	12:16:34 13	would it cost \$8 per album?
12:13:53 14	A. 500.	12:16:37 14	A. No.
12:13:54 15	Q. 500. What is the time frame	12:16:38 15	MR. CHIN: Objection.
12:14:05 16	between the first pressing and the last	12:16:41 16	Objection. You can answer.
12:14:07 17	pressing?	12:16:43 17	A. No, it wouldn't have cost \$8
12:14:13 18	A. A month, maybe. A month.	12:16:45 18	per. I just don't remember what the pressing
12:14:15 19	Q. One month?	12:16:46 19	price was then. It was like you always fought
12:14:15 20	A. Yeah. A month.	12:16:49 20	to get the best price. So somewhere around
12:14:21 21	Q. So, do you remember when Funky	12:16:51 21	\$1, \$1.10, \$1.15. In there.
12:14:23 22	Drummer II was first pressed?	12:16:59 22	Q. You said you had to get with
12:14:25 23	A. No.	12:17:01 23	Mr. Vargas regarding the costs; what do you
12:14:34 24	Q. Do you recall the year?	12:17:04 24	mean by that?
12:14:38 25	A. No. But it was prior to going	12:17:05 25	A. Well, I would account to him

11:52:36 1 BLAND-RICKY ROBERTS
 11:52:38 2 Q. So, in that you would consider
 11:52:40 3 yourself an innocent bystander?
 11:52:42 4 A. Yes. Innocent bystander.
 11:52:46 5 Q. Do you know who played the
 11:52:48 6 tracks on Funky Drummer II?
 11:52:54 7 A. Who played the tracks.
 11:52:56 8 Q. Sorry, -- strike that.
 11:52:57 9 We will go back. What
 11:52:58 10 instruments were recorded on the Funky Drummer
 11:53:03 11 II album?
 11:53:05 12 A. Ralph's drums again. Ralph's
 11:53:07 13 drum set.
 11:53:10 14 Q. Who played the drums on those
 11:53:12 15 tracks?
 11:53:12 16 A. Ralph. To my knowledge just
 11:53:15 17 Ralph.
 11:53:21 18 Q. Who else was present at the
 11:53:25 19 recording session of Funky Drummer II?
 11:53:32 20 A. To my recollection just Ralph,
 11:53:34 21 myself and Carlos.
 11:53:45 22 Q. What was Carlos' role on the
 11:53:46 23 Funky Drummer II album?
 11:53:48 24 A. To me, engineer.
 11:53:54 25 Q. Was his role different to

11:55:10 1 BLAND-RICKY ROBERTS
 11:55:28 2 Q. If Mr. Vargas testified that
 11:55:30 3 six hours in the studio were booked for Funky
 11:55:33 4 Drummer I, would you have any reason to doubt
 11:55:35 5 that?
 11:55:36 6 MR. CHIN: Objection?
 11:55:39 7 A. If he testified to that?
 11:55:40 8 Q. Yes.
 11:55:40 9 A. Is that what he said?
 11:55:42 10 Q. Yes.
 11:55:43 11 MR. CHIN: Objection.
 11:55:44 12 Q. That is what the question is.
 11:55:46 13 MR. CHIN: Sorry, I thought
 11:55:46 14 you were answering.
 11:55:48 15 Q. If Mr. Vargas were to say we
 11:55:51 16 had six hours in the studio to record Funky
 11:55:54 17 Drummer I, would you have any reason to doubt
 11:55:57 18 him?
 11:56:09 19 MR. CHIN: Objection.
 11:56:10 20 A. With me not knowing and not
 11:56:11 21 remembering, I would tend to go with it. But
 11:56:14 22 I don't know. I don't know that that's the
 11:56:16 23 case.
 11:56:17 24 Q. If Mr. Vargas testified that
 11:56:19 25 four hours in the studio were booked for Funky

11:53:54 1 BLAND-RICKY ROBERTS
 11:53:55 2 anyone else?
 11:53:56 3 A. To anyone else? Maybe to Ralph.
 11:53:58 4 Q. What did Ralph -- what was Mr.
 11:54:06 5 Bess' role according to Ralph?
 11:54:14 6 A. That particular time I made
 11:54:15 7 Ralph say strictly engineer.
 11:54:18 8 Q. Why is that?
 11:54:20 9 A. I don't believe in giving you
 11:54:21 10 credit for something you didn't do. Because
 11:54:29 11 to me if you can do something, you can do it.
 11:54:35 12 Thus, you don't need me to boost on something
 11:54:41 13 you didn't do say you did do.
 11:54:43 14 Q. Okay.
 11:54:44 15 A. That is just how I am. I don't
 11:54:45 16 ask anybody put me down as executive producer
 11:54:48 17 on your record if I didn't pay the bills or
 11:54:50 18 coordinate the material or do the things
 11:54:53 19 necessary to be deemed an executive producer.
 11:55:00 20 So I didn't feel he should be anything other
 11:55:02 21 than an engineer.
 11:55:04 22 Q. Was Mr. Bess credited for being
 11:55:06 23 anything other than an engineer on Funky
 11:55:08 24 Drummer II?
 11:55:10 25 A. I don't know.

11:56:19 1 BLAND-RICKY ROBERTS
 11:56:21 2 Drummer II, would you have any reason to doubt
 11:56:25 3 him on that?
 11:56:31 4 MR. CHIN: Objection.
 11:56:32 5 A. Once again, not knowing.
 11:56:44 6 Q. If Mr. Vargas testified under
 11:56:48 7 oath the total paid to the studio for Funky
 11:56:50 8 Drummer II was around \$500 to \$600, would you
 11:56:54 9 have any reason to doubt him?
 11:56:56 10 MR. CHIN: Objection. You can
 11:56:59 11 answer.
 11:56:59 12 A. No. I have no reason to doubt
 11:57:06 13 him. He was there, if he remembers, he
 11:57:06 14 remembers. I don't remember.
 11:57:08 15 Q. When Mr. Vargas pitched the
 11:57:10 16 idea of the Funky Drummer series to you, did
 11:57:12 17 he tell you a target audience for those, for
 11:57:19 18 the Funky Drummer?
 11:57:22 19 MR. CHIN: Objection. You can
 11:57:22 20 answer.
 11:57:23 21 A. Yes.
 11:57:24 22 Q. Okay. What was that target
 11:57:25 23 audience?
 11:57:28 24 A. The rappers, producers, people
 11:57:32 25 who would utilize his beats to make songs.

11:57:32 1 BLAND-RICKY ROBERTS
 11:57:43 2 People in a production capacity, I guess.
 11:57:57 3 Q. So the target audience for the
 11:58:00 4 Funky Drummer album is not the music listening
 11:58:05 5 consumer; is that fair?
 11:58:07 6 MR. CHIN: Objection. You can
 11:58:08 7 answer.
 11:58:08 8 A. Fair.
 11:58:24 9 Q. Did you ever hear Mr. Vargas
 11:58:27 10 play the tracks, the beats that were on Funky
 11:58:32 11 Drummer II, did you ever hear him play those
 11:58:34 12 before the recording session?
 11:58:38 13 MR. CHIN: Objection. You can
 11:58:41 14 answer.
 11:58:41 15 A. I don't remember. I don't
 11:58:43 16 remember.
 11:58:43 17 Q. Okay. Were you present at any
 11:58:48 18 rehearsals that Mr. Vargas may have had before
 11:58:54 19 he went into the studio?
 11:59:01 20 A. The term rehearsal? What do you
 11:59:06 21 mean.
 11:59:06 22 Q. How would you define rehearsal?
 11:59:10 23 A. I am not the one asking the
 11:59:11 24 question. I want to know how you define it.
 11:59:13 25 Q. All right. I will ask a

12:00:24 1 BLAND-RICKY ROBERTS
 12:00:26 2 Q. Right.
 12:00:27 3 A. I couldn't answer that. I
 don't know. I don't know. That is why I
 asked you about your definition of rehearsal.
 Q. You said there was the one time
 when he said this is what I'm talking about
 and he played beats, that was before the
 recording session for Funky Drummer I?
 A. Yes.
 Q. Did he do -- did you have a
 similar interaction with him where he played
 beats and described what he wanted to do for
 Funky Drummer II?
 MR. CHIN: Objection.
 A. That, I don't remember.
 Q. Do you remember when Funky
 Drummer I was recorded?
 A. Dates?
 Q. Yes.
 A. No.
 Q. Do you know an approximate year
 when Funky Drummer I was recorded?
 A. '90-something. I don't
 remember exactly.

11:59:13 1 BLAND-RICKY ROBERTS
 11:59:14 2 different question. How would you define a
 11:59:17 3 rehearsal, if an artist said, Mr. Roberts, I
 11:59:22 4 am going to rehearse before I go into the
 11:59:24 5 studio to record these tracks, what would you
 11:59:29 6 take that to mean?
 11:59:31 7 MR. CHIN: Objection. You can
 11:59:31 8 answer.
 11:59:32 9 A. What I would take it to mean is
 11:59:33 10 that one would practice, if you would, what it
 11:59:40 11 is they plan on doing. Working out the kinks.
 11:59:47 12 Q. Were you ever present when
 11:59:48 13 Mr. Vargas practiced the beats that he
 11:59:51 14 recorded for Funky Drummer II?
 11:59:56 15 MR. CHIN: Objection.
 11:59:56 16 A. I can't specifically say I was
 11:59:58 17 at a rehearsal. Other than the time he played
 12:00:01 18 the stuff for me that time and he said, you
 12:00:03 19 know, this is what I am talking about, man.
 12:00:05 20 Other than that time I've heard Ralph play a
 12:00:10 21 lot. And I can't tell you if that was a
 12:00:14 22 specific rehearsal for that next album series
 12:00:17 23 or if he was working on some stuff that he was
 12:00:20 24 going to use for a show, you know, because he
 12:00:24 25 still played with the band.

12:01:31 1 BLAND-RICKY ROBERTS
 12:01:38 2 Q. Was it recorded before JBR
 Records went out of business?
 A. Yes.
 Q. That you said was approximately
 1995?
 MR. CHIN: Objection. That
 wasn't the time.
 A. '95, '96.
 Q. Okay. So was Funky Drummer I
 recorded before 1995, '96?
 A. Yes.
 Q. When was Funky Drummer II
 recorded?
 A. Not long thereafter.
 Q. When you say not long, about
 how long after Funky Drummer I was Funky
 Drummer II?
 A. I don't know. Maybe eight
 months, nine months, something like that.
 Q. Can you describe what lead to
 the second album Funky Drummer?
 A. The success of the first one.
 Q. When you say success, do you
 mean album sales?

17:39:12 1 BLAND-RICKY ROBERTS
 17:39:15 2 retail sale in stores on the West Coast?
 17:39:20 3 A. No.
 17:39:29 4 Q. And Mr. Chin asked you about a
 17:39:31 5 distribution fee paid to distributors.
 17:39:33 6 A. Yes.
 17:39:35 7 Q. Did that come out of, you said
 17:39:40 8 earlier you received \$8 per unit?
 17:39:45 9 A. Yes.
 17:39:46 10 Q. For Funky Drummer II?
 17:39:50 11 A. Uh-huh.
 17:39:51 12 Q. Did the fee paid to
 17:39:52 13 distributors come out of that?
 17:39:56 14 A. No. It was added on, remember,
 17:40:07 15 as I stated earlier that was my wholesale
 17:40:10 16 price.
 17:40:11 17 Q. Right?
 17:40:11 18 A. Whatever they added on for what
 17:40:13 19 would be known as the list price.
 17:40:15 20 Q. Right. So you okay. Got it.
 17:40:20 21 MS. AHRENS: I think I have no
 17:40:21 22 further questions.
 17:40:22 23 MR. CHIN: No further
 17:40:22 24 questions.
 17:40:23 25 VIDEOGRAPHER: Going off the

17:40:23 1 BLAND-RICKY ROBERTS
 17:40:25 2 record.
 17:40:25 3 MR. CHIN: We are going to
 17:40:26 4 read and sign.
 17:40:28 5 VIDEOGRAPHER: End of tape
 17:40:29 6 number 4.
 7 (Time Noted: 5:40 p.m.)
 8
 9
 10 BLAND-RICKY ROBERTS
 11
 12 Subscribed and sworn to before me
 13 this ____ day of _____, 2006.
 14
 15
 16
 17
 18
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 22
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 24
 25

1 BLAND-RICKY ROBERTS
 2 STATE OF NEW YORK) Pg. of Pgs
 3 :ss:
 4 COUNTY OF NEW YORK)
 5 I wish to make the following changes,
 6 for the following reasons:
 7 PAGE LINE
 8 _____ CHANGE:
 9 REASON:
 10 _____ CHANGE:
 11 REASON:
 12 _____ CHANGE:
 13 REASON:
 14 _____ CHANGE:
 15 REASON:
 16 _____ CHANGE:
 17 REASON:
 18 _____ CHANGE:
 19 REASON:
 20 _____ CHANGE:
 21 REASON:
 22 _____ CHANGE:
 23 REASON:
 24 _____ CHANGE:
 25 REASON:

1 BLAND-RICKY ROBERTS
 2 C E R T I F I C A T E
 3 STATE OF NEW YORK)
 4 :ss:
 5 COUNTY OF NEW YORK)
 6 I, TAMMEY M. PASTOR, a Registered
 7 Professional Reporter, Certified LiveNote
 8 Reporter and Notary Public within and for the
 9 State of New York, do hereby certify:
 10 That BLAND-RICKY ROBERTS, the
 11 witness whose deposition is hereinbefore set
 12 forth, was duly sworn by me and that such
 13 deposition is a true record of the testimony
 14 given by the witness.
 15 I further certify that I am not
 16 related to any of the parties to this action
 17 by blood or marriage, and that I am in no way
 18 interested in the outcome of this matter.
 19 IN WITNESS WHEREOF, I have
 20 hereunto set my hand this ____ day of
 21 _____, 2006.
 22
 23 TAMMEY M. PASTOR, RPR, CLR
 24
 25

1 BLAND-RICKY ROBERTS
2 E X H I B I T S
3 DESCRIPTION PAGE LINE
4 (Defendants' Exhibit 18 for identification,
5 Distribution List, production numbers 000003.)
6 167:6
7 (Defendants' Exhibit 19 for identification,
8 11/9/05 Plaintiffs' Responses and Objections
9 to Interrogatories, no production numbers.)
10 232:22
11 (Defendants' Exhibit 20 for identification,
12 Roberts Verification, no production numbers.)
13 281:11
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